

REMARKS

This responds to the Office Action dated April 17, 2007.

Claims 1 and 19 are amended, no claims are canceled or added; as a result, claims 1-30 are now pending in this application.

Interview Summary

Applicant's representative, Tom Obermark, greatly appreciates the courtesies extended by the Examiner during the interview of July 12, 2007. The office action, cited reference and claims 1 and 19 were discussed. The Examiner agreed that the presently presented claims should distinguish over the cited reference and would accordingly reexamine the claims.

§102 Rejection of the Claims

Claims 1, 10 and 19 were rejected under 35 U.S.C. § 102(b) for anticipation by Lundquist et al. (US 5,195,968).

Applicants respectfully traverse the rejections of claims 1, 10 and 19 for at least the following reasons. Applicants cannot find in Lundquist, for example, a first tubular support coupled to the flexible element therein and coupled to an actuator mechanism disposed within the housing, the first tubular support movable with the actuator mechanism, the first tubular support substantially constrains lateral movement of the flexible element, as recited in claim 1. Claim 10 depends from claim 1 and thereby includes all of its recitations. Further, Applicants cannot find in Lundquist, means for constraining lateral movement of the flexible element within the actuator lumen, the means for constraining is correspondingly movable with movement of the flexible element, as recited in claim 19.

Reconsideration and allowance of claims 1, 10 and 19 are respectfully requested.

Allowable Subject Matter

Claims 11-18, 23-25 and 26-30 have been allowed. Applicant graciously acknowledges the allowance of claims 11-18, 23-25 and 26-30.

Claims 2-9 and 20-22 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the

recitations of the base claim and any intervening claims. Applicant acknowledges the allowability of claims 2-9 and 20-22 if rewritten in independent form. Applicant believes the independent claims from which dependent claims 2-9 and 20-22 depend (claims 1 and 19) are allowable for at least the reasons stated above. Applicant reserves the right to rewrite claims 2-9 and 20-22 in independent form including all of the limitations of the base claims and any intervening claims.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

GREG PUDELKO ET AL.

By their Representatives,

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Date 7/17/07

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 17 day of July 2007.

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Name

Signature

